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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

DAVID NORMAN and WALTER ROMAS,  
individually, and on behalf of a class of others  
similarly situated,

**CV. 07-6028-TC**

Plaintiffs,

v.

DELL INC.; and DELL MARKETING USA,  
L.P., and

Spherion Corporation,

Defendants.

**DECLARATION OF BRENDA K.  
BAUMGART IN SUPPORT OF  
DEFENDANT DELL MARKETING  
USA, L.P.'S MOTION FOR LEAVE  
TO FILE OVERLENGTH BRIEF  
PURSUANT TO L.R. 7.2(b)**

I, BRENDA K. BAUMGART, state as follows:

1. I am one of the attorneys for Defendants Dell Inc. and Dell Marketing USA, L.P. in the above-captioned matter.
2. Defendants are preparing their Response in Opposition to Plaintiffs' Motion for

Page 1 - DECLARATION OF BRENDA K. BAUMGART IN SUPPORT OF DEFENDANT  
DELL MARKETING USA, L.P.'S MOTION FOR LEAVE TO FILE OVERLENGTH  
BRIEF PURSUANT TO L.R. 7.2(b)

Certification Under 29 U.S.C. §216(b) and Fed. R. Civ. P. 23, which is due on February 29, 2008.

3. Plaintiffs' Motion for Certification and supporting Memorandum combines two separate motions: (1) for certification of a FLSA collective action under 29 U.S.C. §216(b), and (2) for certification of a class action under Oregon law/Fed. R. Civ. P. 23. Dell has prepared a combined opposition brief in response to both motions. Although Dell has worked diligently to streamline their arguments, the brief nevertheless will exceed the 35-page limitation.

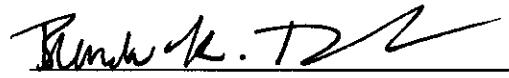
4. We have conferred with Plaintiffs' counsel, who has no opposition to Dell Inc. and Dell Marketing USA, L.P.'s Response in Opposition to Plaintiffs' Motion for Certification Under 29 U.S.C. §216(b) and Fed. R. Civ. P. 23 exceeding the 35 page limitation by 10 pages in length, but opposes an extension beyond this length.

5. Plaintiffs have filed two motions as one. Further, Plaintiffs' request for conditional certification under the FLSA and certification of a class action under Oregon law/Rule 23 requires specific factual support. A sizeable portion of Dell's opposition brief is devoted to thoroughly addressing key factual issues, which were largely stated as conclusory allegations in Plaintiffs' Memorandum. For these reasons, an overlength opposition brief of up to 55 pages is necessary.

6. This Motion is made in good faith.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of February, 2008.

  
Brenda K. Baumgart

Page 2 - DECLARATION OF BRENDAG K. BAUMGART IN SUPPORT OF DEFENDANT  
DELL MARKETING USA, L.P.'S MOTION FOR LEAVE TO FILE OVERLENGTH  
BRIEF PURSUANT TO L.R. 7.2(b)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of February, 2008, I served the foregoing **DECLARATION OF BRENDA K. BAUMGART IN SUPPORT OF DEFENDANT DELL MARKETING USA, L.P.'S MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF PURSUANT TO L.R. 7.2(b)** on the following parties at the following addresses:

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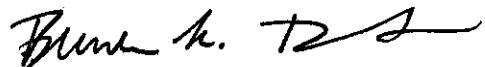
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By causing the same to be:  e-mailed  mailed  hand delivered  faxed to them a true and correct copy thereof.

  
Brenda K. Baumgart